

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

RONALD J. PARK, on behalf of  
Friedman | Rubin PLLP

NO.

Plaintiff,

vs.

COMPLAINT

FEDERAL BUREAU OF  
INVESTIGATION,

Defendant.

COMES NOW plaintiff, by and through the undersigned attorneys for causes of action against Defendant and alleges as follows.

**I. INTRODUCTION**

1.1 This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the production of records concerning the October 1, 2017 mass shooting (the “Shooting”) committed by Stephen Paddock at the Route 91 Harvest Festival in Las Vegas, Nevada.

## II. PARTIES

2.1 Plaintiff Ronald J. Park is an attorney whose principal place of business is Friedman | Rubin PLLP at 1126 Highland Avenue, Bremerton, Washington 98337.

2.2 Friedman | Rubin PLLP represents Ann-Marie Parsons, individually, and James Parsons, individually and as the personal representative of the Estate of Carolyn Lee (“Carrie”) Parsons.

2.3 Defendant Federal Bureau of Investigation (“FBI”) is a federal law enforcement agency headquartered in Washington, DC. The FBI is the principal investigative arm of the U.S. Department of Justice, and it has the authority and responsibility to investigate specific crimes assigned to it and provide other law enforcement agencies with cooperative services.

### **III. JURISDICTION & VENUE**

3.1 This Court has jurisdiction over this action, and venue is appropriate, under 5 U.S.C. § 552(a)(4)(B).

## IV. FACTS

4.1 On October 1, 2017, Stephen Paddock used assault rifles, many of which were equipped with bump stocks, to rain gunfire down on concertgoers attending the Route 91 Harvest Festival in Las Vegas, Nevada.

4.2 Hundreds of people were shot, hundreds more were trampled, and thousands suffer from emotional distress resulting from the Shooting.

4.3 Of the hundreds shot, fifty-eight were killed.

4.4 Carrie Parsons was one of those shot and killed.

4.5 The following factual allegations regarding the investigation of the Shooting are detailed in the Las Vegas Metropolitan Police Department's ("LVMPD's") investigative report of the Shooting, attached as **Exhibit 1**, released on August 3, 2018.

4.6 In the days, weeks, and months following the Shooting, the FBI worked alongside numerous other law enforcement agencies to determine why the Shooting occurred.

4.7 The FBI drafted and served court orders pertaining to the investigation and compiled the data learned through those orders.

1       4.8     FBI personnel took the lead in evidence documentation and collection and  
2 provided investigative support.

3       4.9     The FBI's Evidence Recovery Teams handled the collection of all evidence related  
4 to the Mandalay Bay Hotel and Casino and the Las Vegas Village venue where the Shooting  
5 occurred.

6       4.10    The guns, bump stocks, equipment, tools, electronics, bags, and all other items  
7 used by Paddock were collected by law enforcement as part of their investigation of the Shooting.

8       4.11    All tips or items that needed to be investigated or followed up on were coordinated  
9 by the FBI and the LVMPD.

10      4.12    Items of evidentiary value were housed and analyzed by the FBI.

11      4.13    The FBI conducted forensic analyses of the guns and ammunition recovered at the  
12 scene of the Shooting and put its findings into a report.

13      4.14    Of the rifles recovered from the scene of the Shooting, fourteen were found to have  
14 been fired.

15      4.15    Friedman | Rubin PLLP, in conjunction with other law firms, recently filed suit on  
16 behalf of Ann-Marie Parsons and James Parsons (the "Parsons") against the manufacturers of the  
17 guns Paddock used to commit the Shooting.

18      4.16    To litigate the suit, it is necessary to attempt to identify which of the guns Paddock  
19 used in the Shooting fired the bullet that killed Carrie Parsons. Some information related to this  
20 effort is exclusively within the FBI's possession and control. The LVMPD's report states at the  
21 top of page 74 that information the FBI gathered from its legal processes remains with the FBI.

22      4.17    The FBI provides instructions for submitting a FOIA request at  
23 <https://www.fbi.gov/services/information-management/foipa/requesting-fbi-records> (last visited  
24 on July 7, 2019).

25      4.18    The FBI offers two options for requesting information, one of which is through  
26 the eFOIPA portal.

27      4.19    On May 23, 2019, plaintiff, on behalf of Friedman | Rubin PLLP, submitted a  
28 request through the FBI's eFOIPA portal requesting:

- 1     • The FBI's analysis report referenced in footnotes 31 and 32 of the LVMPD's final
- 2         report at pages 106 and 107.
- 3     • The FBI's firearms forensic analysis of the shell casings that were recovered at the
- 4         scene of the October 1, 2017 shooting and referenced on page 106 of the LVMPD's
- 5         report.
- 6     • The FBI's report on the ammunition used at the October 1, 2017 shooting.
- 7     • Any ballistic reports generated by the FBI in its investigation of the October 1, 2017
- 8         shooting, including any that pertain specifically to Carolyn Lee Parsons, one of the
- 9         victims of the shooting.

10         Plaintiff's request is attached as **Exhibit 2**.

11         4.20 Plaintiff included excerpts of the LVMPD's investigative report to assist the FBI  
12         in complying with the request.

13         4.21 On June 3, 2019, the FBI sent correspondence to plaintiff advising him that his  
14         requests had been received at FBI Headquarters for processing. The FBI assigned tracking  
15         numbers to each of the four items listed in plaintiff's request:

- 16         • No. 1438055-000 for the FBI Analysis Report;
- 17         • No. 1438058-000 for the FBI Firearms Forensic Analysis;
- 18         • No. 1438059-000 for the FBI Report on Ammunition; and
- 19         • No. 1438061-000 for the FBI Ballistic Report

20         The FBI's June 3 correspondence is attached as **Exhibit 3**.

21         4.22 On July 2, 2019, plaintiff sent an email to the FBI at foipaquestions@fbi.gov  
22         inquiring into the status of his requests and whether any determination had been made. Plaintiff's  
23         July 2 email is attached as **Exhibit 4**.

24         4.23 On July 3, 2019, the FBI responded by email stating that plaintiff's requests were  
25         "in Initial Processing, where the assigned analyst is searching for, retrieving and reviewing  
26         potentially responsive records." The response went on to state that "the estimated date on which  
27         the FBI will complete action on your request is 1,289 days from the date the FBI opened your  
28

request.” Nowhere in its response did the FBI state whether or not it would produce any responsive records it might find. The FBI’s response is attached as **Exhibit 5**.

4.24 As of July 8, 2019, with respect to plaintiff's request No. 1438055-000, the FBI's FOIA request status page at <https://vault.fbi.gov/fdps-1/@@search-fdps> states only that “[t]he FBI's FOIPA Program is processing your request in accordance to the Freedom of Information and Privacy Act guidelines.” As for plaintiff's three other requests, the FBI's status page continues to state only that, “The FBI's FOIPA Program is searching the FBI's indices for potentially responsive documents. You may be contacted via formal letter for all fees and/or negotiation issues that may apply.” Screenshots of these statuses are attached as **Exhibit 6**.

4.25 To date, the FBI has not produced any of the records requested, nor has the FBI formally denied plaintiff's request, or claimed that any FOIA exemptions apply.

## V. CAUSES OF ACTION

#### A. Violation of the Freedom of Information Act, 5 U.S.C. § 552

5.1 Plaintiff re-alleges and incorporates herein the preceding paragraphs of this Complaint as though set forth in full.

5.2 5 U.S.C. § 552(a)(6) requires an agency to:

(i) determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of—  
(I) such determination and the reasons therefor . . . .

5.3 An agency may withhold information only under the circumstances described in 5 U.S.C. §§ 552(a)(8), 552(b), or 552(c).

5.4 Under 5 U.S.C. § 552(a)(6)(C)(i), “[a]ny person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph.”

5.5 Since the June 3 correspondence informing plaintiff that his request had been received for processing, the FBI has not made any determination as required under 5 U.S.C. §

1 552(a)(6), and more than 20 days have passed since the FBI received plaintiff's initial FOIA  
2 request.

3 5.6 To date, the FBI has not identified any basis for withholding the requested  
4 information from plaintiff.

5 VI. PRAYER FOR RELIEF

6 6.1 Plaintiff requests that this Court:

7 a. Order Defendant to make the requested records available to plaintiff  
8 without any redactions;

9 b. Award plaintiff his costs and reasonable attorney's fees as provided by 5  
10 U.S.C. § 552(a)(4)(E); and

11 c. Grant such order and further relief as this Court may deem just and proper.

12 Dated this 31<sup>st</sup> day of July, 2019.

13 FRIEDMAN | RUBIN PLLC

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